

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JOSEPH CLOUD-BARNHART,	)	CASE NO. 5:16CV1702-JRA
	)	
Plaintiff,	)	JUDGE JOHN R. ADAMS
	)	
-vs-	)	
	)	<u>MEMORANDUM OF OPINION</u>
COMMISSIONER OF SOCIAL	)	<u>AND ORDER</u>
SECURITY,	)	
	)	
Defendant.	)	

The Social Security Administration denied Plaintiff Joseph Cloud-Barnhart's application for supplemental social security income ("SSI") under Title XVI of the Social Security Act. Plaintiff sought review of the Commissioner's decision, and the case was referred to Magistrate Judge David A. Ruiz for preparation of a Report and Recommendation ("R&R") pursuant to 42 U.S.C. §1383(c)(3), 42 U.S.C. §405(g), and Local Rule 72.2(b)(1). The Magistrate Judge submitted an R&R that recommends this Court DISMISS the case WITHOUT PREJUDICE as a result of Plaintiff's failure to file a brief in this matter. Doc. 13. Defendant filed objections, and Plaintiff filed a response. Docs. 14, 15. For the following reasons, the Court hereby overrules the objection and ADOPTS the report and recommendation of the Magistrate Judge.

The R&R adequately states the factual and procedural background of this case. Plaintiff has demonstrated no error in that background, so the Court will not reiterate those sections herein.

When a magistrate judge submits an R&R, the Court is required to conduct a *de novo* review of the portions of the Report and Recommendation to which an appropriate objection has been made. 28 U.S.C. §636(b). Objections to the R&R must be specific, not general, in order to focus the court's attention upon contentious issues. *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505, 509 (6<sup>th</sup> Cir. 1991).

Here, it is undisputed that Plaintiff did not file a brief in this matter, despite the court's order giving him additional time to do so and warning him that his case may be dismissed for failure to prosecute. While Plaintiff filed objections to the R & R, he does not suggest that a brief is forthcoming or why he did not timely file the brief when ordered by the court. Plaintiff states in his objections that he does "not possess the knowledge to contend with the legal jargon presented by the defendant." Doc. 14. However this does not justify his failure to file a brief or prosecute the case. As such, the matter will be dismissed without prejudice.

Based upon the reasons stated herein, the Plaintiff's objection to the Magistrate Judge's Report and Recommendation is OVERRULED. Accordingly, the report and recommendation of the Magistrate Judge is hereby ADOPTED, and the matter is DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED.

DATE: May 8, 2017

/s/ John R. Adams  
Judge John R. Adams  
UNITED STATES DISTRICT COURT